



USAID
FROM THE AMERICAN PEOPLE

USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)

MONTHLY REPORT: JANUARY OF 2013

February 6, 2013

This publication was produced for review by the United States Agency for International Development. It was prepared by Tetra Tech DPK.

TABLE OF CONTENTS

I. PROGRAM ACTIVITIES AND TASKS

I. RESULT 1	1
I.1 REQUIREMENT 1.1	1
I.2 REQUIREMENT 1.2	1
I.3 OFF-SHORE STUDY TOUR.....	3
I.4 COORDINATION MEETING	4
2. RESULT 2.....	4
2.1 REQUIREMENT 2.1	4
2.2 REQUIREMENT 2.2.....	5
3. RESULT 3.....	7
3.1 REQUIREMENT 3.1	7
3.2 REQUIREMENT 3.2.....	7
II. PROBLEMS AND REMEDIAL ACTIONS	8
III. SUMMARY OF ACTIVITIES PLANNED FOR FEBRUARY	
2013.....	9

I. PROGRAM-RELATED ACTIVITIES AND TASKS

I. RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

I.1. Requirement 1.1 - A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Judicial-Sector Professional Associations and Civil Society Organizations, and the Role They Can Play in Strengthening the Rule-of-Law Area in Macedonia

The Judicial Strengthening Project (JSP), through a selected sub-contractor, previously completed the short, focused initial assessment of the organizational needs of 11 professional organizations and CSOs. JSP selected three organizations for phase II of the assessment: The Macedonian Judges Association (MJA), the Macedonian Young Lawyers Association (MYLA) and the Court Administration Association (CAA).

I.2 Requirement 1.2 - Per the Findings of Requirement 1.1, the Capacity of At Least Two Judicial Sector Professional Associations is Improved

JSP proceeded to implement phase III, including activities designed to enhance the capacity of the selected organizations. Phase III includes a series of trainings and workshops from October 2012 through, at the latest, October 2013.

JSP staff has been overseeing the training and workshops. The reports by the participants have been very positive. The trainers and facilitators have been given high marks, and the content has been appropriate and rich in substance.

Embra, a project sub-contractor, has filed its monthly reports as required. A JSP team member has attended the trainings and provided feedback and recommendations to, and otherwise coordinated with, Embra officials. JSP staff discussed with Embra representatives a variety of topics including the need for more timely communications regarding program postponements and vacancies in scheduled programs, which would allow JSP to invite other appropriate LPAs. Embra readily agreed to these requests, and the project has found Embra personnel generally very easy to work with.

I.2.1 Macedonian Judges Association

Capacity Building and Sustainability Trainings and Workshops

MJA is one of the organizations targeted for capacity and sustainability training with JSP sub-contractor, Embra. During January, MJA received the following training:

Activity/Deliverable	Activity Description	Start Date	Finish Date	Trainers
One Training/Workshop on: 1. Provision of Effective and Efficient Services with a Focus on MJA members (2 days)	<ul style="list-style-type: none"> • Preparation of the trainings and workshop materials • Implementation of the trainings and workshop • Evaluation of the trainings and workshop 	Jan 28, 2013	Jan 29, 2013	Saso Trajkoski

I.2.2 Court Administration Association

Support for a CAA Publication and Intern to Support CAA

The initial and follow-on assessment of CAA, conducted by the Center for Institutional Development (CIR), clearly identified problems in the functioning of this young professional organization caused by a lack of professional personnel and a functioning administrative office. The hiring of an office assistant will support the work of the CAA's president and enable a clear communication channel with branch offices and other members. The project also recommended developing a JSP-supported association publication for distribution to members. The office assistant volunteer will attend the capacity-building trainings and workshops given by Embra, which will further strengthen the capacity of this association and support its daily work. CAA began the process of selecting an office assistant volunteer in late December, and the volunteer began work on January 15, 2013. The office assistant volunteer will receive a small stipend for daily expenses from JSP.

Capacity Building and Sustainability Trainings and Workshops

CAA is one of the organizations targeted for capacity and sustainability training with Embra. During January CAA received the following training:

Activity/Deliverable	Activity Description	Start Date	Finish Date	Trainers
Two Trainings/Workshops on: 1. Establishment and Maintenance of Effective Partnerships and Cooperation (2 days) 2. Provision of Effective and Efficient Services with Focus on CAA Members (2 days)	<ul style="list-style-type: none"> • Preparation of the trainings and workshop materials • Implementation of the trainings and workshop • Evaluation of the trainings and workshop 	Jan 24, 2013	Jan 25, 2013	Zoran Janakiev
		Jan 31, 2013	Feb 1, 2013	Saso Trajkoski

1.2.3 Macedonian Young Lawyers Association

MYLA is a LPA that provides continuing legal education for young lawyers and works to promote and improve the lawyers' profession in Macedonia. MYLA works to promote access to public information and supports the establishment of a free legal aid system.

Capacity Building and Sustainability Trainings and Workshops

MYLA was one of the organizations targeted for capacity and sustainability training with Embra. During January a training/workshop for MYLA was conducted as follows:

Activity/Deliverable	Activity Description	Start Date	Finish Date	Trainers
One Training/Workshop on: 1. Project Cycle Management (3 days)	<ul style="list-style-type: none">• Preparation of the trainings and workshop materials• Implementation of the trainings and workshop• Evaluation of the trainings and workshop	Jan 17, 2013	Jan 19, 2013	Milica Naumovska

Previously, the JSP DCOP, Nena Ivanovska, met with the executive director of MYLA to discuss a request for financial support in publishing a brochure for the organization. After approval, MYLA designed the brochure to attract new members to the association and to fortify the participation of existing members. MYLA will distribute the brochure to law students at four law schools in Skopje and Tetovo with a formal presentation and a question and answer period. JSP will send a representative, time permitting. MYLA will have the brochure translated into the Albanian language for distribution in Tetovo, and JSP will support the printing of approximately 200 copies.

MYLA, with JSP support, began work on another brochure outlining the accomplishments of the association for distribution to a wider audience of young attorneys. At a coordination meeting with the MYLA president on January 25, the COP was informed that the writing is almost complete and the document will be ready for printing in early February.

1.3 Off-shore Study Tour for LPAs & CSOs

Planning continued during January for the implementation of a study tour in Estonia and Sweden from April 8-18, 2013. JSP will select seven to eight participants from the membership of the LPAs and CSOs that JSP has been working with. Study tour participants will learn how LPAs and CSOs function and support the judiciary, and how to organize targeted advocacy campaigns, draft laws, and lobby for their enactment.

In December 2012 the RFP was posted on the JSP web site and was sent to ten vendors with a submission deadline of January 28. One proposal, received and evaluated by the JSP staff, was submitted by PHM International, a global consulting capacity development training management group that has worked with two previous USAID/DPK projects.

A best and final offer conference was held on January 30 to discuss the relative benefits versus costs of each of the proposals, as well as travel options. JSP expects to sign the contract during the first week of February.

I.4 Coordination Meeting

President of the Judicial Council

In early December Judge Zafiroska was elected as a member of the Judicial Council (JC) for the second six-year term. At the inauguration meeting of the JC on December 20, 2012, Judge Zafiroska was elected as the president of the Council with a two-year mandate. The DCOP and COP meets with and speaks to the president on a regular basis to coordinate the efforts of the project with the JC activities and support to the various arms of the judicial branch. On January 28 the DCOP traveled to Shtip with Judge Zafiroska to coordinate project activities with the president judge of the Appellate Court, Shtip. Discussions revolved around the full use of ACCMIS, case management and backlog reduction, as well as planning for the visit of local students to the appellate court and basic court in Shtip, which took place on January 31 in cooperation with the courts and the European Law Students' Association (ELSA).

President Judge of Skopje I

On January 29, JSP staff met with the newly appointed president judge of the Skopje I court, which is a large criminal court that handles the most important criminal cases in Macedonia. This coordination meeting was intended to ascertain the needs of the Skopje I court and to determine what, if any, assistance can be offered by the project. The team discussed with the president judge the under-utilization of ACCMIS, particularly in the misdemeanor department, the problems with service of process and its cost, the need for training couriers, and the possibility of a closed case analysis to provide for better classification of cases. The JSP team will discuss possible cooperation with COR and schedule another meeting with the president judge.

2. RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.1 Requirement 2.1 - Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

2.1.1 Review and Advocacy of Laws by the Judiciary

Macedonian Judges Association and Other NGO Roundtables

Tentative plans called for continuation of a series of discussion groups conducted in cooperation with MJA. The president of MJA, Supreme Court Judge Nikolovski, requested that these events be postponed because of important pressing issues at the Supreme Court, including filling a number of judicial vacancies. Accordingly, JSP has elected to engage four other LPAs. A round table of four lawyers groups will be conducted in mid-March, which will include MYLA, MLA, AFFT, and the Public Prosecutors Association (PPA). The topic, "Trial Practice and Court Efficiency," will focus on suggestions from the bar on how to improve the efficiency of the courts, judges and lawyers. Participants will review major laws affecting the judiciary and lawyers to uncover gaps and shortcomings. Planning for the event began in January along with the drafting of an invitation letter to the president of each association. JSP expects approximately 40 participants.

Judicial Branch Forum

The first Judicial Branch Forum took place on November 6, 2012. The participants consisted of the top policy makers and decision makers of the judiciary, including the acting chief justice,¹ the

¹ At the time of this writing the position of president of the Supreme Court (Chief Justice) is held by Acting President Judge Milka Stefkova. The appointment of a new president of the Supreme Court is pending.

president of JC, the president of CSC, the director of the Academy for Judges and Prosecutors, the president of the Court Budget Council (CBC),² the four presidents of the appellate regions, the presidents of the HAC and Administrative Court, the head of the Administrative Office (AO) of CBC, the president of MJA representing the judges of the Republic, and the president of CAA.

The roundtable discussion focused on the achievements of judicial reform to date and the needs of the judiciary going forward, with special emphasis on the performance and failures of current laws.

The group concluded that the Judicial Branch Forum should continue and meet quarterly and set plans for a second meeting in the spring³. The project drafted a letter of invitation soliciting topics for discussion. The group agreed to target two or three topics per meeting.

2.2 Requirement 2.2 - Administration and Management Rules, Policies and Procedures, Systems and Practices to Support a Modern Court System

Court Service Council and Court Administrators

Since project inception, JSP has supported CSC and CAA with a number of important initiatives, including developing sub-regulations for hiring and disciplining court employees. JSP finalized the sub-regulations and presented them to MOJ in October 2012, and MOJ enacted them on January 17, 2013. In addition to prescribed hiring practices, the sub-regulation includes sections addressing internal announcements for hiring employees from within the courts and exams for apprentices entering court service.

Development of Needs-based Budgets

In consultation with the head of the AO of CBC, JSP successfully concluded its major activities in early December 2012 with the submission of the budget to the Ministry of Finance (MOF) for final review. In JSP's second-year work plan, the project proposes to continue activities to strengthen the capacity of AO and the courts through preparation of needs-based budgets. JSP envisions an emphasis going forward on identifying and directly assisting those courts deemed to be weak or deficient in needs-based budget preparation and on ensuring full compliance with needs-based budget regulations by the end of 2013. The project has been asked by the AO to sponsor a roundtable for all court presidents, administrators and accountants on "Criteria & Methodology for Needs-Based Budget Preparation." JSP began planning this event in January, targeting early to mid-April in anticipation of the next court budget preparation.

Support for Court Accountants

Upon request of the head of the AO of CBC, on January 17 and 18, the project sponsored training on "Preparation of Final Annual Account" for all court accountants, including the accountants of the Academy and JC. Thirty-six participants participated in the two-day session, which was delivered by two experienced trainers and auditors. As participants had not received similar training for many years, the participants evaluated the training as very useful.

The head of AO has also asked that JSP support a workshop on standardization of supporting accounting documents and payment procedures. JSP is currently planning this event to take place on February 4 and 5 in Veles. Target participants are a select group of accountants, court administrators and judges from six courts in Macedonia, as proposed by AO.

² The president of the JC is *ex officio* president of the Court Budget Council.

³ The event has been scheduled for March 15

Guidelines for Unified Accounting Practices

After completing the workshop on standardization of supporting accounting documents and payment procedures, in February 2013 JSP will finalize the process for standardization of laws, regulations, and policies in the area of court financial accounting. JSP anticipates, and has reached agreement with the head of AO, that after court approval, the guidelines will be officially presented to the State Audit Bureau in March 2013. The AO of CBC requested support for publishing the guidelines, presenting them to the state auditors, and distributing them to all courts and other relevant judicial institutions.

2.2.1 Public Information/Education Activities Support

Student Visits to Courts and Informational Publication for Students

In support of improved transparency, understanding and information about the judicial branch, JSP began a program to sponsor student visits to a number of courts in Macedonia over the life of the project, including Basic and Appellate Court Bitola, Appellate and Basic Court Shtip, Basic Court Skopje II and Basic Court Tetovo.

JSP has teamed-up with ELSA which has, at the project's request, produced an informational brochure geared towards high school students. The brochure describes the judicial branch, the structure of the Macedonian courts, their functions, and their jurisdictions. JSP completed printing the brochure, which will be distributed to the students visiting the courts as well as to other citizens. The first school visit took place on December 24, 2012, at the Basic Court Tetovo. The second student visit took place on January 31, 2013, at the Basic and Appellate Courts Shtip. These events went extremely well, were covered by the local media, and included local students with disabilities.

ELSA is currently working on a second publication on the subject of juvenile justice, which JSP has agreed to print and distribute in conjunction with other student court visits.

Judicial Practice Bulletin for the Bitola Appellate Court

The Appellate Court Bitola produced a "2012 Bulletin of Jurisprudence" describing decisions on civil and criminal cases and conclusions from working meetings of judges. The bulletin emphasizes the importance of the unification of all court decisions of appellate court councils, as well as the consistent application of the law by all judges. The publication provides valuable insight, improves transparency and communication, and leads to harmonization of court practices and decisions. JSP agreed to assist this effort by supporting the printing and distribution of this document to all judges and courts in Macedonia. JSP completed printing on January 30 and began distribution to all judges. The appellate court president of Shtip received its delivery on January 31, and the balance will be distributed during the first week in February. JSP is formulating plans for a similar publication with input from all four of the appellate regions.

Year-End Report of Appellate Regions

In January plans were made to support a year-end publication for each appellate region. This was previously provided by Appellate Court Shtip in 2011 and resulted in a very popular and informative publication that included pictures of the president judges in the region, and case flow information including the number of pending cases at years end. JSP considers this a significant step in advancing transparency and plans to encourage and support such a publication in all appellate regions. JSP expects to accomplish this task in February and March covering information from 2012.

2.2.2 Differentiated Case Management – Consultancy

The Macedonian judiciary has made positive progress in the reduction of pending cases and has significantly reduced backlog cases. This positive trend resulted from several factors including the adoption of the new Law on Civil Procedure; the divestiture of enforcement cases to enforcement agents and uncontested inheritance cases and payment orders to notaries; better training and more scrupulous oversight by the Supreme Court and JC. This increase in efficiency was reflected in an EU progress report for 2012.

To further streamline the process, JSP decided to retain a US-based consultant to work on differentiated case management (DCM). During January the JSP team made preparations for the consultancy. With the help of the home office, all travel and contract arrangements were resolved, and the consultancy will begin on February 10 with the arrival of the international expert, Marcus Zimmer. The consultant will work with the judges and court personnel to develop a DCM system for the Macedonian courts, and will prepare a scope of work and action plan for developing a National Standard for Case Resolution.

3. RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

3.1. Requirement 3.1: Develop and Implement Targeted Specialized Trainings for Judges, Court Administrative Executives, and Court Staff

The roundtable on “*Identifying the Needs for Continuous Education of Judges in the Area of Commercial Law*” was held on November 22, 2012, in Skopje. It was implemented in cooperation with the USAID Investment Development and Export Advancement Support Project (IDEAS), and the Academy for Judges and Prosecutors (Academy). The goal of the roundtable was to collect opinions for specialized training needs for commercial judges, and to develop recommendations for specialized trainings.

The roundtable generated 21 recommendations for topics to enhance the efficiency of judge and lawyers in the area of commercial law. One topic was the “*Practical Implementation of the Law on Civil Procedure with a Special Emphasis on the Provisions for Electronic Delivery and the Implementation of the Law on Electronic Signature and Electronic Data*”. This subject is extremely timely as it addresses portions of two new laws about to be implemented—the law on Civil Procedures (involving electronic delivery of court papers) and the Law on Electronic Signatures.

JSP and the Academy are cooperating in a training to be delivered on February 1, 2013, at the Academy premises. The trainers will be Judge Ljubica Kolic, head of the civil department of the Basic Court Skopje 2, and Marin Piperkoski, Director of IT Infrastructure Department at the Clearing House KIBS AD Skopje. The participants will include 30 civil and commercial judges from the courts of the appellate region of Skopje, 5 lawyers, and 5 representatives from the business chambers in MK (total 40 participants⁴).

3.2 Requirement 3.2 - Improve Caseload Processing and Reduce Backlog of Cases

There has been much progress in case disposition and backlog reduction in most courts, however, challenges remain. The Law of Case Management requires case processing committees in each court. These committees are the key to expeditious resolution of cases as well as the reduction of backlog cases, however, not all committees operate efficiently and or interpret their responsibilities in a consistent manner.

⁴ At final count there were 53 participants attending

A subcommittee was formulated to develop a draft model “monthly report” and “internal procedures” required by the law. These were edited by the full committee and approved. The model documents were then passed on to JC on January 16. The president of JC subsequently approved the model documents.

JSP is developing plans to present these documents to the president judges and court administrators at three regional trainings or workshops, one for each appellate region (combining Skopje and Gostivar). The training will include a “train-the-trainers” element, with selected court personnel from each region tasked with providing training to the courts with the greatest backlog of cases. Case processing and backlog reduction will be provided, as well as an in-depth examination of the reasons of case delay in each region.

3.2.1 Support for Judicial Sector Automation

ACCMIS Database Warehouse and Statistical Interface Software

JSP, together with JC, is developing an “ACCMIS Database Warehouse and Statistical Interface Software” to generate more precise and targeted statistical reports for the courts. EduSoft has completed the development, installation and testing of the software. Vendor delivered the source code to the project on January 15, 2012 and we consider this contract successfully delivered.

Supreme Court Coordination Committee for Improving Use of ACCMIS

An ACCMIS committee was established to develop a protocol for electronic court delivery of summons. Judge Stojance Ribarev was named as president of that committee. He reported to the COP on January 31 that the committee had completed its work and had determined that the Court Book of Rules does not need to be amended. The committee developed a protocol, which will be implemented upon approval by the judiciary.

Automation for High Administrative Court

The ACCMIS system has been in use in all 33 courts since January 2010. In November 2010, as a result of the latest changes in the Law on Courts, the High Administrative Court was established to decide appeals on decisions brought by the Administrative Court. As the initial ACCMIS application was not projected to be used in this court, a vendor has now been selected, and a contract signed, for ACCMIS installation in this court. The work began in January and is expected to be completed by April 30, 2013.

Electronic Digital Recording of Court Hearings and Trials

The full implementation of electronic recording requires additional training of judges and some court staff. JSP signed a contract with the vendor and trainer on January 25. The vendor will begin training in two pilot courts (Basic Courts Bitola and Veles) starting February 4, and will then expand to all civil courts with electronic recording devices for completion by April 25, 2013.

Request for Computers and Security Cameras by Appellate Court Gostivar

JSP completed in December the request by Judge Hajdari Ekrem Shefajet, president of the Gostivar Appellate Court, for installation of court security cameras, two printers, a scanner, and two personal computers. The COP will review the installation on February 4 and sign the agreement with the president judge to transfer ownership.

II. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and of the type to be expected in the regular course of business.

III. III. SUMMARY OF ACTIVITIES PLANNED FOR FEBRUARY 2013

Summary of activities planned for February include:

- Oversee and manage the “Capacity Development Program” with Embra, the sub-contractor
- Maintain regular communications with Embra and conduct regular coordination meetings according to the sub-contract
- Continue coordination with the Academy for future events
- Continue to accumulate statistical data on case filings, dispositions, and backlogs by court and case type, and prepare an analysis of the case data in preparation for regional meetings
- Re-establish working group for next phase of the Implementation of Staffing Guidelines
- Conduct the first and second of three regional trainings or roundtables for members of courts’ Case Processing Committees
- Continue to work with six pilot courts to meet targets on case processing and needs-based budgets
- Provide support to the courts and the Supreme Court IT Department to implement ACCMIS throughout the courts
- Schedule trainings and roundtables with courts’ IT personnel and security experts
- Oversee implementation of the contract for development of the ACCMIS application in the High Administrative Court
- Support for a training titled *“Practical Implementation of the Law on Civil Procedure with a Special Emphasis on the Provisions for Electronic Delivery / Implementation of the Law on Electronic Signature and Electronic Data”* in cooperation with the Academy
- Support training for AO and CBC for a workshop titled: *“Unification of Accounting Documents and Procedures”*
- Support consultancy of the court administration expert in preparing *“Differentiated Case Management System”*; provide supporting information and documents and schedule in-country work
- Complete contract arrangements with the successful bidder for study-tour; preparation work in support of study-tour to Estonia and Sweden
- Assist the CAA administrative office and its new office assistant in preparing CAA brochure
- Support activities with CAA, CSC, CBC, AO, and JC
- Print and distribute the CAA/CSC Human Resource Manual
- Print brochure on Macedonian Young Lawyers Association accomplishments
- Support development of and print brochure on JC
- Continue updating the JSP web site
- Conduct student visits to courts and distribute ELSA publication in Skopje 2 and Bitola BC & AC
- Assist ELSA with second publication on Juvenile Justice, including promotion and distribution
- Plan specific assignments for Global Fellow to be assigned March 1 to May 30
- Oversee training on Electronic Recording of Court Hearings for pilot courts and follow-on trainings for all civil courts
- Oversee and implement training contract for electronic recording